

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GREGORY A. FIGEL,

Plaintiff,

v.

Case No. 2:03-cv-206
HON. R. ALLAN EDGAR

JOE SUARDINI, et al.,

Defendants.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff and defendants. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Defendants continue to assert that plaintiff cannot support his retaliation claims because no adverse action was taken against plaintiff. However, plaintiff's radio was damaged, he was threatened, his family members were threatened and plaintiff was labeled a snitch and rat in the presence of other inmates. Further, plaintiff alleges that his legal requests and mail were destroyed. While these incidents may appear insignificant to defendants, they are sufficient allegations which show adverse conduct was taken against plaintiff. Defendants Bouchard, DeVries and Rankin are properly dismissed from this action.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #292) is approved and adopted as the opinion of the court.

Dated: 6/6/06

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE